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FOR IMMEDIATE RELEASE:

**CROWN CHARGED WITH IN
WHITE RIVER FISH KILL CASE**

PRESS RELEASE

Timothy M. Morrison, Temporary Acting United States Attorney for the Southern District of Indiana, and the Indiana Inter-Agency Environmental Crimes Task Force announced that charges were filed today in United States District Court charging CROWN EG, INC. ("CROWN") with seven misdemeanor violations of the Clean Water Act for allegedly negligent discharges of approximately 1,610,000 gallons of pollutant-laden industrial wastewater into the sewer system of the City of Anderson, Indiana.

The charges filed today allege that the wastewater contained pollutant concentrations sufficient to cause interference with the City of Anderson's sewage treatment processes and to constitute a hazard to animals. These charges are the result of a criminal investigation jointly

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undertaken by the Criminal Investigation Division of the U.S. Environmental Protection Agency, the Federal Bureau of Investigation, and the Law Enforcement Division of the Indiana Department of Natural Resources as part of a combined effort to combat environmental crime in southern Indiana.

The criminal investigation began in January, 2000, following an extensive fish kill affecting over forty miles of the White River in December, 1999. According to the charging document, CROWN was an environmental consulting firm based in Ohio that performed work for a Guide Corporation facility in Anderson, Indiana. CROWN employees were at Guide throughout the period of the illegal discharges and the other activities alleged in the Information, and significantly participated in the events that led up to the discharges.

In October, 2001, following its guilty plea in a related case, Guide was sentenced including a \$1,956,000 fine, \$275,000 in restitution to the City of Anderson, and forfeiture of \$1,956,000 to the United States.

Guide manufactured automotive signal lighting at the Anderson facility, located at 2915 Pendleton Avenue, as well as, operating an industrial wastewater pretreatment facility. Guide used a metal finishing process known as electroplating which involved dipping of plastic lighting parts into plating solutions consisting of various chemical and mineral substances. The parts were also dipped in rinse tanks containing water. During normal operations, Guide would send this wastewater to its industrial wastewater pretreatment facility where the concentration of pollutants such as copper, nickel and chrome were lowered. Following treatment, Guide's

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wastewater was discharged to the sewer system of the City of Anderson.

Guide's industrial wastewater pretreatment facility allegedly used various chemicals to lower pollutant concentrations, including sodium hypochlorite, sodium bisulfite, sulfuric acid, calcium chloride, and a metal precipitant commercially known as HMP-2000, whose active ingredient was a 40 percent solution of sodium dimethyldithiocarbamate.

Guide's discharges were regulated by the Clean Water Act, which required Guide to comply with federal regulations and the City of Anderson's local sewer ordinance, in a program overseen by the U.S. Environmental Protection Agency. The Anderson sewer ordinance set forth pollutant limitations as well as other requirements which regulated Guide's discharges.

Beginning in or about September, 1999, Guide allegedly stopped its metal finishing operations at the Anderson facility, and began to close its plating lines. During this process, Guide employees emptied the process and rinse tanks, and disposed of its plating wastes, process solutions, and wastewater. Some of the concentrated plating solutions were sent to the Guide facility's industrial wastewater pretreatment facility.

From about October, 1999 until about December 29, 1999, Guide employees and others allegedly used high-pressure water hoses to scour the process and rinse tanks as well as the plumbing lines connected to them to remove the remaining metal and chemical contaminants from the metal finishing operations. Some of the wastewater generated during this scouring process was also sent to the Guide facility's industrial wastewater pretreatment facility.

According to the information, the wastewater sent for treatment at the Guide facility's industrial wastewater pretreatment facility contained higher concentrations of pollutants than the

wastewater previously treated at the facility.

The information alleges, on or about November 26, 1999, Guide employees directed other persons to stop using the 900,000 gallon clarifier tank, at Guide's industrial wastewater pretreatment facility, which allowed treatment chemicals sufficient time to interact with pollutants in wastewater and thereby help to precipitate these pollutants. When the clarifier tank was used as designed, the wastewater contained in it would remain for extended periods of time.

From on or about November 27, 1999, through on or about December 20, 1999, Guide employees and other persons allegedly bypassed the permitted use of the clarifier tank and discharged wastewater from the treatment tanks to the clarifier's outer ring. This change in process did not allow the wastewater treatment chemical HMP-2000 enough time to interact with the industrial pollutants in the wastewater.

The charges allege that on 10 separate occasions, between on or about December 9, 1999, and on or about December 20, 1999, employees at Guide's industrial wastewater pretreatment facility improperly discharged approximately 1,610,000 gallons of wastewater containing the industrial wastewater treatment chemical HMP-2000 and the related pollutants, to the Anderson POTW.

According to the information, despite the changes in the treatment process listed above, Guide employees and other persons negligently failed to test any of the wastewater which was discharged to the Anderson

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POTW to determine if it contained concentrations of HMP-2000 or Carbon Disulfide.

From on or about December 16, 1999, through on or about December 17, 1999, the City of Anderson took a composite sample of Guide's discharge to the sanitary sewer system. Guide's discharge contained 1260 mg/L of Dimethyldithiocarbamate, between 296 and 1006 mg/L of Carbon Disulfide, 7.2 mg/L of Thiram, and 2.7 mg/L of TMTM. These pollutants in Guide's wastewater were present at concentrations which, either singly or by interaction with other pollutants, will cause an interference with the Anderson POTW, or any wastewater treatment or sludge process, or will constitute a hazard to animals.

From on or about December 12, 1999, through at least on or about December 20, 1999, the Anderson POTW experienced an interference in its activated sludge and nitrification processes. During about the same time period, from December 9, 1999 through December 20, 1999, the Information charges that CROWN negligently violated a requirement imposed in a U.S. Environmental Protection Agency-approved pretreatment program by negligently contributing to the Anderson Publicly-owned treatment works (POTW) a substance containing pollutants, that being, Guide's industrial wastewater, at a pollutant concentration which, either singly or by interaction with other pollutants, will cause an interference with the Anderson POTW, or any wastewater treatment or sludge process, or will constitute a hazard to animals, in violation of the Anderson Code of Ordinances Title V, Chapter 51, § 51.52(A)(4).

The case was prosecuted by the United States Attorneys Office with assistance from the Environmental Crimes Section of the Department of Justice. According to Assistant United States Attorneys Steven DeBrotta and Gayle Helart, who are prosecuting the case for the

government, CROWN has been charged with seven misdemeanor violations of Title 33, United States Code, Section 1319(c)(1)(A). A corporation charged with this offense may be punished by a fine of up to \$200,000 for each offense or twice the corporation's pecuniary gain from the offense. Negligent violations are punished as misdemeanors, while knowing violations are punished as felonies. The charges filed today use the less severe misdemeanor level of accusation because CROWN was attempting to treat pollutants in the discharge, and did not "knowingly" discharge the pollutants which interfered with the Anderson sewage facility. However, by massively increasing the use of HMP-2000 and not providing sufficient time for the compound to work, CROWN was alleged to have been criminally negligent under the statute.

CROWN and other entities have entered into a separate civil settlement with the United States and the State of Indiana over the civil claims arising from the events charged in the Information and other matters. Under this separate civil agreement, CROWN has agreed to pay a civil fine of \$250,000.

The charges in the Information are allegations only and the defendant is presumed innocent until proven guilty.

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